UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/980,575	12/29/2010	Nasrin Sesi	714557.00001	4928

27305 7590 11/02/2016
HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak, MI 48067

EXAMINER
LOUIS, RICHARD G

ART UNIT	PAPER NUMBER
3731	

NOTIFICATION DATE	DELIVERY MODE
11/02/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDocket@HowardandHoward.com
dtrost@HowardandHoward.com
tmorris@Howardandhoward.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NASRIN SESI

Appeal 2015-000037[1,2]
Application 12/980,575
Technology Center 3700

Before PHILIP J. HOFFMANN, JAMES L. WORTH, and BRUCE T. WIEDER, *Administrative Patent Judges*.

HOFFMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the rejection of claims 1, 3, 4, 7, and 11–13. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

According to Appellant, the invention relates to a compression stocking. Spec. ¶ 1. Claim 1 is the only independent claim. *See* Br., Claims App. We reproduce claim 1, below, as representative of the appealed claims.

---

[1] Our decision references Appellant's Specification ("Spec.," filed Dec. 29, 2010) and Appeal Brief ("Br.," filed May 27, 2014), as well as the Examiner's Answer ("Answer," mailed July 17, 2014).

[2] According to Appellant, Nasrin Sesi is the real party in interest. Br. 5.

> 1. A compression stocking for a compression-therapy patient comprises:
>
> a foot portion that is adapted to matingly removably receive and surround an entirety of a foot of the patient;
>
> a closable and openable leg portion that extends upwardly from a top of said foot portion, is adapted to removably receive at least a portion of a corresponding leg of the patient, defines adjoining edges of said leg portion, and includes a band that defines an uppermost area of said leg portion and material of which is more compressive and supportive with respect to material of which a remainder of said leg portion is made; and
>
> a fastening device that extends a substantial length of said leg portion and is adapted to continuously fasten said adjoining edges to and unfasten said adjoining edges from each other and close and open said leg portion such that the compression stocking can secure and apply continuous pressure to the foot and leg, said fastening device including a zipper and an enfoldment, wherein said enfoldment is connected and secured along a continuous inner edge of said zipper, includes material that is different with respect to the material of which at least one of said band and the remainder of said leg portion is made, and is disposed between said zipper and skin of the patient and contacting the skin such that said enfoldment prevents said zipper from contacting the skin.

Id.

REJECTIONS AND PRIOR ART

The Examiner rejects the claims as follows:

I. claims 1, 3, 4, 7, 11, and 13 under 35 U.S.C. § 103(a) as unpatentable over Bloom (US 4,166,463, iss. Sept. 4, 1979), Gerke (US 7,069,670 B1, iss. July 4, 2006), Hale (US 5,450,630, iss. Sept. 19, 1995), and Myers (US 3,538,914, iss. Nov. 10, 1970);

II. claim 1 under 35 U.S.C. § 103(a) as unpatentable over Goodman (US 2,513,639, iss. July 4, 1950), Gerke, and Hale; and

III. claims 11 and 12 under 35 U.S.C. § 103(a) as unpatentable over Goodman, Gerke, Hale, and Hartigan (US 3,728,875, iss. Apr. 24, 1973).

See Answer 3–11.

ANALYSIS

Appellant argues, among other things, that each of the obviousness rejections of claim 1 are erroneous because "[n]one of these references are directed toward a compression stocking for a compression therapy patient that includes a band that defines an uppermost area of the leg portion where the material of which is more compressive and supportive with respect to material of which the remainder of the leg is made." *See* Br. 48, Claims App. For the below reasons, we agree with Appellant, and, thus, we do not sustain the rejection.

In each obviousness rejection of claim 1, the Examiner relies on Hale to teach "material [that] is more compressive and supportive with respect to material of which a remainder of the leg portion is made, for the purpose of preventing the leg portion (18) from falling down a wear[er]'s leg. See (col. 5, lines 7[–]17)." Answer 5; *see also id.* at 10. However, although the cited portion of Hale discloses that "band or collar **40** may be secured to the end edges **26***a,b* by a conventional stitched seam, such as indicated at **42**, and is capable of hugging the wearer's leg above the ankle region to prevent the leg encompassing portion **18** of the sock from falling down when worn,"

(Hale col. 5, ll. 12–17) the portion does not state that band or collar 40 is more compressive and supportive than any other portion of Hale's sock.

Thus, based on the foregoing, we do not sustain either obviousness rejection of claim 1. Therefore, inasmuch as the Examiner does not rely on any other reference to remedy the deficiencies in the rejections of claim 1, we also do not sustain any of the obviousness rejections of claims 3, 4, 7, and 11–13 depending from claim 1.

DECISION

We REVERSE the Examiner's obviousness rejections of claims 1, 3, 4, 7, and 11–13.

REVERSED